REMARKS

Claims 28-30, 32-34, 36-48, 51-55 and 57 are pending in the application following entry of the amendments herein. Claims 1-27, 31, 35, 49, 50 and 56 are canceled. The claims have been amended as noted below to clarify the invention. In particular, claim 28 has been amended to include the features of claim 35 and to address the §112 rejection by clarifying that the water dispensed passes through the first and second release valves and is combined and dispensed from the outlet is purified water. Claim 28 has also been amended to clarify that the water purification apparatus is a laboratory purification device to distinguish the invention from the municipal water treatment reference cited in the action. Lastly, the release means have been amended to recite release valves as previously recited in claim 49. Similar amendments have been made to claim 51.

Claims 38, 46 and 55 have been placed into independent form and include the features of the claims from which they previously depended.

Claim 57 is new.

No new matter has been added.

ARGUMENTS

Claims 28-30, 32-49, 51-55 have been rejected under 35 U.S.C. 112 as being indefinite. In particular, the Examiner has noted that in claim 28 the term "the flow" lacks antecedent basis. This has been corrected in amended claim 28.

Claims 30 and 32 were considered indefinite since the term "water" as recited in line 2, appears to be a double inclusion, in light of how the term is used in claim 28. A similar rejection was raised regarding claim 51. These claims have been clarified to state that the water that passes through the first and second release valves and is combined and dispensed from the outlet is purified water, which in the illustrated embodiment in Fig. 1 is the same purified water that passes out of the purification means. Thus, while a portion of the purified water stream may pass through one or both of the water release valves,

those portions are both purified water, which is the same as the water dispensed from the outlet.

Accordingly, it is respectfully submitted that claims 28-30, 32-34, 36-48 and 51-55 are all clear and definite. Reconsideration and withdrawal of the §112 rejection of these claims is requested.

Claims 28-30, 32-34, 37, 39-45, 47-49, and 51-53 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,245,224 (Enoki et al.). The Examiner contends that Enoki discloses all the elements of these claims. Claims 35-36 and 54 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki in view of U.S. Pat. No. 3,991,911 (Shannon). The Examiner notes that he has not given any weight to the terms that follow the words "for" or "adapted to" since the Examiner contends that those words suggest an intended use and not structure. Applicant respectfully disagrees and traverses this rejection.

As a starting point, while the terms in patent claims that are associated with "for" and "adapted to" may, under certain situations, be ignored, that is not that case where the terms recite a specific structure or configuration that imposes a structural requirement on the recited device. Also, when there is structure that ties in with the terms associated with "for" and "adapted to", then those terms are features of the claim that must be considered when evaluating the patentability of the claim as a whole.

The question is whether the use that is associated with the claim gives "life and meaning" to the claims. *See, Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d. 861, 866, 228 USPQ 90, 92 (Fed. Cir. 1985) (use term appearing in a preamble is not to be ignored where the term "breathes life and meaning into the claims."); *Bell Communications Research, Inc. v. Vitalink Communications Corporation*, 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995) (when the "use" in a preamble is defined in the body of the claim so as to explain the subject matter of the claimed invention, the use is considered as part of the invention.)

In claims 28 and 51, the claims recite a water purification device for dispensing purified water. The term "purified water" is further defined by structure in the claim, namely the at least one purification means. Those skilled in the art of purification systems understand that the term "purified water" has a distinct meaning. To further clarify the invention, the term "laboratory" has been added to claims 28 and 51 to specify that the purification apparatus is a laboratory water purifier. Laboratory purified water is understood to be water that is highly purified, not municipal water that is simply filtered or chlorinated. Thus, this term, when taken in the context of the claim as a whole, structurally defines the invention as a particular type of laboratory water purifier.

Claim 28 has also been amended to include the features of claim 35, that at least one water release valve is operable at a relatively slow flow rate and at least one other water release valve is operable at a relatively fast rate. Also, the claim recites that the flow into the first and second water release valves is from a common feed (shown in Fig. 1 as the recirculation line that exits the water purification means.) Thus, the purified water that flows into the first and second water release valves (and which is dispensed from the outlet) is from the same purified water line, i.e., the water that comes from the water purification means. Similar changes were made to claim 51.

It is respectfully submitted that claims 28 and 51 are not anticipated by nor obvious over Enoki. Enoki relates to a water quality management system that monitors and controls the quality of municipal water (i.e., the quality of the water from a "drainage basin" prior to being supplied to a consumer to drink - col. 1, lines 9-12; col. 3, lines 61-67, col. 9, lines 42-50.) Enoki does not disclose nor is it intended for use in a laboratory water purification device for producing purified laboratory water as that term is understood in the art. Thus, Enoki does not disclose the same device, nor is it directed to the same problem as the present invention.

Furthermore, Enoki does not disclose two valves which are configured such that one valve dispenses at a slow rate and the other dispenses at a fast rate, and where the flow into the two valves is from a common feed of purified water. In Enoki, the Examiner has identified the first valve as valve 217 and the second valve as valve 218, and that the valves can be controlled to dispense different proportions of water.

Enoki does not, however disclose a flow into the first and second valves from a *common feed of purified water* as recited in amended claims 28 and 51. To the contrary, the flow into valve 218 is from a water flow treated by active carbon, while the flow into valve 217 is a combination of untreated water (from line 212) and chlorinated water (from 222). Thus the configuration of the device in Enoki guarantees that the flow into the first and second valve are ***not*** the same water from the same common feed.

Furthermore, the valves 217 and 218 in Enoki are not water release valves for controlling the dispense of purified water. Instead, they are flow control valves for balancing the overall system described in Enoki. They do not release or dispense water as recited in the independent claims.

Based on the foregoing, Applicant respectfully submits that claims 28 and 51 are not anticipated by Enoki. Additionally, none of the other references of record remedy the deficiencies in Enoki since they all fail to include a flow of purified water from a common line and which control the output through two valves that are configured to provide distinct flow rates.

U.S. Pat. No. 3,991,911 (Shannon) was cited by the Examiner as disclosing a device that dispenses two products at two different flow rates. Shannon et al. discloses a beverage mixing system for mixing alcoholic drinks, such as Tom Collins and Whiskey Sours. Thus, Shannon et al. is not an appropriate reference since it is not directed to water purification systems, and particularly not to a laboratory purification device for dispensing purified water. Furthermore, Shannon et al. controls flow out of reservoir 80a (figure 39) though separate flow control valves S1 and S2. Each valve is located on a separate output pipe 76, 76a. The output pipes are directed into a glass as separate flows. See. Fig. 2. There is no combining of the flows from the two valves into a common pipe to the outlet. Specifically, Shannon teaches away from combining flows. As stated in col. 2, lines 66-68, "During this discharge, it is to be noted that the liquids never intermingle with each other." Further, the valves in Shannon are not independently controlled. To the contrary, as shown in both Fig. 3 and Fig. 39, the signals S1 and S2 are connected through a common diode D. Thus, both valves are activated together and are not controlled independently from one another. More importantly, the flow into the

valves in Shannon is not from a common feed. On the contrary, the whole intention of the device in Shannon is to mix distinct beverage components to form a combined beverage (e.g., a Tom Collins or Whiskey Sour). Thus, there is no suggestion to place two valves on two flow lines supplying the same purified water from a common purified water feed.

Therefore, Applicants respectfully submit that claims 28 and 51 are patentable over the prior art of record. Claims 29, 30, 32-34, 36, 37, 39-45, 47, 48, 52-54 and 57 depend from either claim 28 or 51. Without prejudice to their individual merits, these claims are also patentable based on their dependency.

ALLOWABLE CLAIMS

Applicants appreciate the indicated allowability of claims 38, 46 and 55. These claims have been amended into independent form and include all the limitations from the claims from which they previously depended. Accordingly, these claims should now be allowable.

NEW CLAIM

Claim 57 is new and recites that the common purified water feed is a recirculation line that connects to an inlet of the at least one purification means. Enoki does not disclose any recirculation line that occurs prior to dispensing. Any recirculation in Enoki occurs down stream form the outlet (i.e., after flowing through the valves.) As such, claim 57 is patentable over Enoki.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. If the Examiner believes that direct communication with Applicants' representative will expedite consideration of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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